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U.S. DIST. COURT
SAVANNAH DIV.
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

SHEILA ELAINE NEVILLE,

Plaintiff,

v.

CLASSIC GARDENS; THE GROWING COMPANY KROGER COMPANY; WALLS & ALL, INC.; COASTAL FLOOR COVERINGS, INC.; B-J INTERIORS, INC. d/b/a LITTLE JOHN'S LTD; QUALITY BIKES, INC.; THE HOME DEPOT, INC.; WAL-MART STORES, INC.; PENNY PINCHER'S SHOPPS OF GEORGIA, INC.; T.H. GUERRY LUMBER CO.; RTA FURNITURE SUPERSTORE, INC.; AMERICAN TV & APPLIANCE, INC. d/b/a MAMA'S FURNITURE; CHATHAM COUNTY; CHATHAM COUNTY DISTRICT ATTORNEY'S OFFICE; MELANIE HIGGINS, in her individual and official capacity as Assistant District Attorney of Chatham County; CHATHAM COUNTY SHERIFF'S DEPARTMENT; AL ST. LAWRENCE, in his individual and official capacity as Sheriff of Chatham County; GEORGE CHANDLER; ZETTLER, HOSTILO & COLE, P.C.; MICHAEL GEORGE HOSTILO and LUCILLE BUTLER,

Defendants.

CIVIL ACTION NO.
CV400-190

**ANSWER OF CHATHAM COUNTY,**
**CHATHAM COUNTY SHERIFF'S DEPARTMENT AND AL ST. LAWRENCE**
**TO AMENDED AND RECAST COMPLAINT**

COME NOW, **CHATHAM COUNTY, CHATHAM COUNTY SHERIFF'S DEPARTMENT** and **AL ST LAWRENCE, in his individual and official capacity as Sheriff of Chatham County**, (hereinafter "County Defendants"), and file this their Answer to Plaintiff's Amended and Recast Complaint ("Complaint"), as follows:

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**FIRST DEFENSE**

Defendants CHATHAM COUNTY and AL ST LAWRENCE, in his official capacity, are entitled to sovereign immunity.

**SECOND DEFENSE**

Defendant AL ST LAWRENCE in his individual capacity is entitled to official immunity.

**THIRD DEFENSE**

Defendant CHATHAM COUNTY SHERIFF'S DEPARTMENT is not an entity capable of being sued.

**FOURTH DEFENSE**

Plaintiff's Complaint fails to state a claim against County Defendants upon which relief may be granted.

**FIFTH DEFENSE**

Plaintiff's damages, if any, are the sole, direct, and proximate result of the acts and negligence on the part of persons or entities other than County Defendants, and not as a result of any acts or negligence on the part of County Defendants.

**SIXTH DEFENSE**

At all relevant times, County Defendants acted in good faith and did not act with any intention to cause any harm to Plaintiff.

**SEVENTH DEFENSE**

Chatham County is entitled to immunity under O.C.G.A. § 17-12-42.

**EIGHTH DEFENSE**

Plaintiff's Complaint is barred by the existence of probable cause.

**NINTH DEFENSE**

Punitive damages may not be recovered against CHATHAM COUNTY.

**TENTH DEFENSE**

County Defendants incorporate herein by reference all their answers, including their answers filed on May 18, 2000, June 15, 2000, and July 12, 2000.

**ELEVENTH DEFENSE**

Chatham County, the Chatham County Sheriff's Department and Al St Lawrence did not institute or maintain any custom or policy which violated Plaintiff's constitutional rights.

**TWELFTH DEFENSE**

Al St Lawrence is entitled to qualified immunity.

**THIRTEENTH DEFENSE**

Subject to and without waiving the above defenses, County Defendants answer the numbered paragraphs of Plaintiff's Complaint as follows:

1.

County Defendants incorporate herein by reference all their answers, including their answers filed on May 18, 2000, June 15, 2000, and July 12, 2000.

## I. PARTIES AND JURISDICTION

2. Upon information and belief, County Defendants admit the allegations contained in paragraph 2 of Plaintiff's complaint.

3. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of Plaintiff's complaint.

4. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of Plaintiff's complaint.

5. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of Plaintiff's complaint.

6. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of Plaintiff's complaint.

7. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of Plaintiff's complaint.

8. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of Plaintiff's complaint.

9. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of Plaintiff's complaint.

10. County Defendants deny the allegations contained in paragraph 10 of Plaintiff's complaint.

11. County Defendants deny the allegations contained in paragraph 11 of Plaintiff's complaint.

12. County Defendants admit the allegations contained in paragraph 12 of Plaintiff's complaint.

13. Upon information and belief, County Defendants admit the allegations contained in paragraph 13 of Plaintiff's complaint.

14. Upon information and belief, County Defendants admit the allegations contained in paragraph 14 of Plaintiff's complaint.

15. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of Plaintiff's complaint.

16. Upon information and belief, County Defendants admit the allegations contained in paragraph 16 of Plaintiff's complaint.

17. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of Plaintiff's complaint.

18. Answering the allegations contained in paragraph 18 of Plaintiff's complaint, County Defendants admit that with respect to Chatham County, Georgia, Plaintiff has satisfied the requirements of O.C.G.A. § 36-11-1.

19. Answering the allegations contained in paragraph 19 of Plaintiff's complaint, County Defendants deny that they committed any acts or omissions for which they are liable. Further answering, County Defendants state that jurisdiction and venue are proper.

20. County Defendants admit the allegations contained in paragraph 20 of Plaintiff's complaint.

## II. **FACTUAL ALLEGATIONS**

21. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of Plaintiff's complaint.

22. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of Plaintiff's complaint.

23. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of Plaintiff's complaint.

24. Upon information and belief, County Defendants admit the allegations contained in paragraph 24 of Plaintiff's complaint.

25. Upon information and belief, County Defendants admit the allegations contained in paragraph 25 of Plaintiff's complaint.

26. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of Plaintiff's complaint.

27. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of Plaintiff's complaint.

28. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of Plaintiff's complaint.

29. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of Plaintiff's complaint.

30. Upon information and belief, County Defendants admit the allegations contained in paragraph 30 of Plaintiff's complaint.

31. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of Plaintiff's complaint.

32. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of Plaintiff's complaint.

33. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of Plaintiff's complaint.

34. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of Plaintiff's complaint.

35. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of Plaintiff's complaint.

36. Answering the allegations contained in paragraph 36 of Plaintiff's complaint, County Defendants admit that a copy of an order dismissing warrants is attached as Exhibit "B" to Plaintiff's complaint.

37. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of Plaintiff's complaint.

38. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38 of Plaintiff's complaint.

39. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 of Plaintiff's complaint.

40. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of Plaintiff's complaint.

41. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41 of Plaintiff's complaint.

42. Answering the allegations contained in paragraph 42 of Plaintiff's complaint, County Defendants admit that a copy of an order dismissing warrants is attached as Exhibit "B" to Plaintiff's complaint.

43. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43 of Plaintiff's complaint.

44. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of Plaintiff's complaint.

45. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of Plaintiff's complaint.

46. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of Plaintiff's complaint.

47. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of Plaintiff's complaint.

48. Answering the allegations contained in paragraph 48 of Plaintiff's complaint, County Defendants admit that a copy of an order dismissing warrants is attached as Exhibit "B" to Plaintiff's complaint.

49. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49 of Plaintiff's complaint.

50. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50 of Plaintiff's complaint.

51. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 51 of Plaintiff's complaint.

52. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 52 of Plaintiff's complaint.

53. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 of Plaintiff's complaint.

54. Answering the allegations contained in paragraph 54 of Plaintiff's complaint, County Defendants admit that a copy of an order dismissing warrants is attached as Exhibit "B" to Plaintiff's complaint.

55. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 of Plaintiff's complaint.

56. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56 of Plaintiff's complaint.

57. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 57 of Plaintiff's complaint.

58. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 of Plaintiff's complaint.

59. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 of Plaintiff's complaint.

60. Answering the allegations contained in paragraph 60 of Plaintiff's complaint, County Defendants admit that a copy of an order dismissing warrants is attached as Exhibit "B" to Plaintiff's complaint.

61. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 61 of Plaintiff's complaint.

62. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 of Plaintiff's complaint.

63. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 63 of Plaintiff's complaint.

64. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 64 of Plaintiff's complaint.

65. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 65 of Plaintiff's complaint.

66. Answering the allegations contained in paragraph 66 of Plaintiff's complaint, County Defendants admit that a copy of an order dismissing warrants is attached as Exhibit "B" to Plaintiff's complaint.

67. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 67 of Plaintiff's complaint.

68. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68 of Plaintiff's complaint.

69. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of Plaintiff's complaint.

70. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70 of Plaintiff's complaint.

71. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of Plaintiff's complaint.

72. County Defendants deny the allegations contained in paragraph 72 of Plaintiff's complaint.

73. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73 of Plaintiff's complaint.

74. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 74 of Plaintiff's complaint.

75. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of Plaintiff's complaint.

76. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 76 of Plaintiff's complaint. Answering the allegations contained in the second sentence of paragraph 76 of Plaintiff's complaint, County

Defendants admit that a copy of a report from the GBI is attached as Exhibit "C" to Plaintiff's complaint.

77. County Defendants deny the allegations contained in paragraph 77 of Plaintiff's complaint.

78. County Defendants deny the allegations contained in paragraph 78 of Plaintiff's complaint.

79. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 79 of Plaintiff's complaint.

80. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of Plaintiff's complaint.

81. County Defendants deny the allegations contained in paragraph 81 of Plaintiff's complaint.

82. County Defendants deny the allegations contained in paragraph 82 of Plaintiff's complaint.

83. County Defendants deny the allegations contained in paragraph 83 of Plaintiff's complaint.

84. Upon information and belief, County Defendants admit the allegations contained in the first sentence of paragraph 84 of Plaintiff's complaint. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 84 of Plaintiff's complaint. County Defendants deny the remaining allegations contained in paragraph 84 of Plaintiff's complaint and

deny the allegations contained in the third and final sentence of paragraph 84 of Plaintiff's complaint.

85. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 85 of Plaintiff's complaint.

86. County Defendants deny the allegations contained in paragraph 86 of Plaintiff's complaint.

87. County Defendants deny the allegations contained in paragraph 87 of Plaintiff's complaint.

88. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 88 of Plaintiff's complaint. Answering the allegations contained in the second sentence of paragraph 88 of Plaintiff's complaint, County Defendants admit that a copy of an order dismissing warrants is attached as Exhibit "E" to Plaintiff's complaint.

89. County Defendants deny the allegations contained in paragraph 89 of Plaintiff's complaint.

90. County Defendants deny the allegations contained in paragraph 90 of Plaintiff's complaint.

91. County Defendants deny the allegations contained in paragraph 91 of Plaintiff's complaint. Further answering, County Defendants state that the Chatham County Detention Center was not aware that certain charges were dismissed against Plaintiff until mid May 1999.

92. County Defendants deny the allegations contained in paragraph 92 of Plaintiff's complaint.

93. County Defendants deny the allegations contained in paragraph 93 of Plaintiff's complaint.

94. County Defendants deny the allegations contained in paragraph 94 of Plaintiff's complaint.

95. County Defendants deny the allegations contained in paragraph 95 of Plaintiff's complaint.

96. Upon information and belief, County Defendants admit the allegations contained in paragraph 96 of Plaintiff's complaint.

97. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 97 of Plaintiff's complaint.

98. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 98 of Plaintiff's complaint.

99. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 99 of Plaintiff's complaint.

100. County Defendants deny the allegations contained in paragraph 100 of Plaintiff's complaint.

101. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 101 of Plaintiff's complaint.

102. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 102 of Plaintiff's complaint.

103. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 103 of Plaintiff's complaint.

104. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 104 of Plaintiff's complaint.

105. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 105 of Plaintiff's complaint.

106. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 106 of Plaintiff's complaint.

107. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 107 of Plaintiff's complaint.

108. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 108 of Plaintiff's complaint.

109. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 109 of Plaintiff's complaint.

110. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 110 of Plaintiff's complaint.

111. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 111 of Plaintiff's complaint.

112. County Defendants deny the allegations contained in paragraph 112 of Plaintiff's complaint.

113. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 113 of Plaintiff's complaint.

114. County Defendants deny the allegations contained in paragraph 114 of Plaintiff's complaint.

115. County Defendants deny the allegations contained in paragraph 115 of Plaintiff's complaint. Further answering, County Defendants state that County records indicate that Mr. Chandler undertook to represent Plaintiff on January 28, 1998.

116. County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 116 of Plaintiff's complaint.

117. County Defendants deny the allegations contained in paragraph 117 of Plaintiff's complaint.

118. County Defendants deny the allegations contained in paragraph 118 of Plaintiff's complaint.

119. County Defendants deny the allegations contained in paragraph 119 of Plaintiff's complaint.

120. County Defendants deny the allegations contained in paragraph 120 of Plaintiff's complaint.

121. County Defendants deny the allegations contained in paragraph 121 of Plaintiff's complaint.

122. County Defendants deny the allegations contained in paragraph 122 of Plaintiff's complaint.

123. County Defendants deny the allegations contained in paragraph 123 of Plaintiff's complaint.

124. County Defendants deny the allegations contained in paragraph 124 of Plaintiff's complaint.

125. County Defendants deny the allegations contained in paragraph 125 of Plaintiff's complaint.

126. County Defendants deny the allegations contained in paragraph 126 of Plaintiff's complaint.

127. County Defendants deny each and every allegation not admitted herein.

This 13th day of November, 2000.

**R. JONATHAN HART**
State Bar No. 333692

**EMILY E. GARRARD**
State Bar No. 286180

ATTORNEYS FOR COUNTY DEFENDANTS

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the parties in the foregoing action with a copy of this document by placing the same in the United States mail with sufficient postage affixed thereto to assure delivery and properly addressed to:

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This 13th day of November, 2000.

Emily E. Garrard
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